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File No 3 94 1

Judicial Administration of Calapore and Coorg for the year 1864.

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~~From~~ Govt. 1865. No. 3530
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To The Judicial Commissioner in Mysore

Dated Bangalore 3rd November/65

Despatched

Received

Enclosures No. 38

General No. 3530 / Judicial No. 88 } 1865-66.

This Office docket No. 3336
439
dated 26th October/65.

Forwards for circulation 38 printed copies of the letter No. 392 dated 12th October/65 from the Secretary to the Govt. of India Foreign Department, ~~communicating~~ regarding the Judicial Administration of Mysore and Coorg for the year 1864.

"By Order"

2/11/65

Acc. 84. Dy 3-11-65 Actg. Secretary

No. 392.

From

THE SECRETARY TO THE GOVERNMENT OF INDIA.

To

THE COMMISSIONER OF MYSORE AND COORG.

Dated SIMLA, *the* 12*th October*, 1865.

SIR,

FOREIGN DEPARTMENT. Judicial.

I have received and laid before His Excellency in Council your letter No. 2143, dated 26th August last, forwarding the Report on the Judicial Administration of Mysore and Coorg for the year 1864.

2. The remarks contained in the Report of the Judicial Commissioner, and in your review of his Report, leave little to be added as to the general results of the past year's Administration: and it is necessary only to notice a few salient points.

3. While concurring in the expediency of extending the jurisdiction of the Amildars, a measure which has been recently carried out, His Excellency in Council thinks it necessary to observe that these functionaries, who dispose of by far the greater amount of Judicial work, are also charged with important executive duties. Three-fourths of the Civil work of the province, and rather more than three-fourths of its Criminal work, is disposed of by the Amildars. It appears to His Excellency in Council that the delay in the despatch of Judicial business of which you have made mention, may to a considerable extent be traced to the amount of work entrusted to this class of men. You account for the delay partly by the inefficiency of some of the old Amildars, partly by attributing it to the inexperience of the some of the European Assistants. But it is worth considering whether the cause indicated above is not also very material. The delay is very great and requires to be carefully checked; and its causes should be thoroughly ascertained.

4. With reference to the circumstance that in a large proportion of suits the decision, on the merits, has been in favor of the Plaintiffs, the Governor General in Council trusts that the Judicial Commissioner is right in assuming this to be a sign of greater confidence in the Courts. He has doubtless satisfied himself that suits are, as a rule, carefully and thoroughly investigated. The result of appeals, as shewn in the abstract appended to the 14th paragraph of the Judicial Commissioner's Report, would seem to indicate careful scrutiny on the part of the subordinate Courts. The average cost of Civil suits is moderate. The average value litigated seems exceptionally small: and it is gratifying to learn that suits brought by money lenders against the agricultural classes are becoming rare, owing to the independence which the latter are gradually contriving to acquire. The duration of suits has been already noticed, and it need only be added that the reasons assigned

in the 10th paragraph of the Judicial Commissioner's Report are by no means satisfactory, and that under no circumstances do they account for the dilatory working of the Courts of Appeal.

5. The administration of Criminal Justice, in all its branches, has been more satisfactory. The average duration of cases is decidedly good; but it is remarked that you offer no explanation with respect to the cases which have been allowed to stand over for more than a month. The Judicial Commissioner's explanation of the unsatisfactory result of appeals in Criminal cases may to some extent be admitted. But His Excellency in Council notices with regret the undue average duration of cases heard in appeal.

6. The success and popularity of the Bangalore Small Cause Court is very encouraging. The despatch of business in this Court has been eminently prompt; the cost of litigation is cheap: and His Excellency in Council has no hesitation in recording his entire satisfaction with its operations. But the average monthly amount of cases filed before the Court, and the total amount litigated, considered in connection with the expenditure on the Court, appear unduly small. It seems to His Excellency in Council that it might be found possible to transfer elsewhere one of the Judges; or to make some reduction in the cost of the Court. His Excellency would wish you to submit separately any observations you may have to make on this point.

7. The administration of Civil and Criminal Justice in Coorg calls for little remark. The despatch of Civil business whether in the Original or Appellate Courts, is dilatory: and you will doubtless have called for an explanation regarding the cases which have been pending for more than 12 months. The cost of Civil litigation is satisfactorily small; and the results of appeals speak well for the care and judgment of the subordinate Courts.

8. The successful prosecution in the Criminal Courts argues discrimination on the part of the Officers charged with the preliminary investigations. The duration of cases has been short; and the results of appeal satisfactory.

9. His Excellency in Council desires that an expression of his approbation may be conveyed to the Judicial Commissioner, in whom the Government place well-merited confidence. The exertions of the other officers mentioned are noted generally with satisfaction; and His Excellency in Council has read with much pleasure the high testimony borne to the intelligence and exertions of Mr. Venkatah Verdiengar, and of the class to which he belongs. The system of entrusting offices such as that held by the last named gentleman to men of superior position is a good system; and care should be taken that such men are enabled adequately to support the position with which the Government has entrusted them.

I have the honor to be,

Sir,

Your most obedient Servant,

W. MUIR,

Secretary to the Government of India.